IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Civil Writ Petition No.15518 of 2001

Date of Decision: September 10, 2007

Kitabo Devi .....Petitioner

Versus

State of Haryana & others .....Respondents

CORAM:- HON'BLE MR.JUSTICE S. D. ANAND

Present: Mr.RS Sangwan, Advocate for the petitioner.

Mr.Ashish Sharma, Deputy Advocate General, Haryana.

Mr.Raman B.Garg, Advocate for respondent No.2.

S. D. ANAND, J.

Concededly, the petitioner was a contractual employee who had been appointed (vide appointment letter, dated 25.2.1997-Annexure P1) to the post of Project Coordinator for a period of two years, on a consolidated salary of Rs.6000/- per month. Her services, which were initially extended for a period of six months, were terminated on account of abolition of the post.

The grievance of the petitioner is that the impugned abolition is uncalled for inasmuch as there is still requirement of a post of Coordinator and adequate funds are available for the purpose with the respondents.

In the context, it was canvassed that appointees to certain other posts under the relevant Scheme have been allowed to continue on the job under orders dated 21.11.2002 passed by this Court in Civil Writ Petition

No.11232 of 2001.

The respondents resisted the petition by averring abolition of the post. It was also argued that, in the alternative, it may be taken to be a case of non-extension of a contractual assignment because the impugned order (though on point of abolition of the post) came about after the initial two years' period of contractual assignment and the extended period of six months was over. Reliance, in support of the plea, was placed upon Annexures R2/1 and R2/2 which contain the agenda points for consideration at the 16th meeting of the Executive Committee of the Haryana Prathmik Shiksha Pariyojna Parishad to be held on 27.7.2001 and the minutes of the proceedings respectively.

In so far as the judicial pronouncement relied upon by the learned counsel for the petitioner is concerned, it cannot be said to have any relevance to the point under adjudication in view of the fact that the petitioners in that case were holders of posts other than the Project Coordinator and it had been found in that case, as a fact, that:

> "Neither the projects have ended nor as a matter of facts, they have been closed for compelling circumstances. Finances in the project are available. Further, the State wishes to effect better utilisation of finance resources provided for these projects. Nothing prevents the state from making proper appointments to these district. Even till date and despite the fact that writ petitions have been pending in this court for the last nearly one year but posts have not yet been advertised. The persons have been taken on deputation from other sources and it is proposed to give them dual charge of the post by giving them additional deputation allowance. This hardly justify better utilisation of the finance resources which in any case are financed by the world bank for a specific project and they

> cannot be diverted for utilisation of other matters. On the one hand, services of the petitioner are being terminated on the other hand the State is making fresh appointments and also keeping some persons on deputation from other departments. In other words, payments of deputation allowance is avoidable burden on the finance of resources."

The present is a case of pure and simple abolition of the post. As noticed in Annexures R2/1 and R2/2, it was noticed as a fact that 'there is no necessity for retention of separate posts of Project Coordinators. It is learnt that no DPEP State in the country is having the post of Project Coordinator. Four out of seven posts are already vacant the remaining three at Sirsa, Mahendergarh and Kaithal are proposed to be abolished. The net saving on this account will be approximately Rs.2.64 lacs.'

No malafides are averred by the petitioner in the context. In that view of things, the impugned termination cannot be faulted on any valid score as it stems from abolition of posts.

Dismissed.

(S. D. ANAND)
JUDGE

September 10, 2007
SRM